

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

VICTORIA YATES,

Plaintiff,

v.

Case No. 8:21-cv-378-AEP

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

_____ /

ORDER

This cause comes before the Court on Plaintiff's Unopposed Petition for Attorney Fees (Doc. 26). By the motion, Plaintiff seeks attorney's fees in the amount of \$3,841.00 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). On February 15, 2022, this Court entered an Order granting the Commissioner's Motion to Remand and reversing and remanding the case to the Commissioner for further administrative proceedings (Doc. 24). Thereafter, the Clerk entered judgment in favor of Plaintiff (Doc. 25). As the prevailing party, Plaintiff now requests an award of attorney's fees. *See* 28 U.S.C. § 2412(d)(1)(A); *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party), *superseded by rule on other grounds*, Fed. R. Civ. P. 58(c)(2)(B).

The Commissioner does not oppose the requested relief. After issuance of an order awarding EAJA fees, however, the United States Department of the Treasury

will determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to Plaintiff's counsel. For the reasons set out in Plaintiff's motion, therefore, it is hereby

ORDERED:

1. Plaintiff's Unopposed Petition for Attorney Fees (Doc. 26) is GRANTED.

2. Plaintiff is awarded fees in the amount of \$3,841.00. Unless the Department of Treasury determines that Plaintiff owes a federal debt, the government must pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment of fees (Doc. 26-2).

DONE AND ORDERED in Tampa, Florida, on this 26th day of April, 2022.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record